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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,596	11/10/2003	John L. Rogitz	100.009	6247

7590 04/23/2007  
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EXAMINER
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LEE, GINA W

ART UNIT	PAPER NUMBER
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2609

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/23/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/705,596

Applicant(s)

ROGITZ, JOHN L.

Examiner

Gina W. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D..11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 6-9, and 11-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Silver et al. (US 6,876,970).

3. With respect to independent **claim 1**, Silver teaches a system, comprising:

a vehicle (column 3, lines 40-46, a vehicle is included in the system);

a player on the vehicle and selected from the group consisting of: radios, and audio-video players (figure 1, column 4, lines 5-13, broadcast receiver (100) is a radio or other audio-visual device installed on a vehicle);

a processor for receiving at least one voice command and in response thereto determining at least one of: content, and a channel, for the player to play (column 3, lines 12-29, digital signal processor receives a signal (converted from a speech segment) and determines whether the speech segment matches one of the voice commands in order to instruct the tuner to tune into associated channels).

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4. With respect to **claims 2 and 3**, Silver teaches that the processor accesses a database on board the vehicle to determine a channel to tune the player to in response to the voice command (column 3, lines 12-29, the relationships between voice commands and channels used by the processor are stored in memory).

5. With respect to **claim 6 and 7**, Silver teaches that the player may be a radio (column 1, lines 12-20, the broadcast programming receiver is a radio, television, or similar electronic device having a tuner) and that the processor accesses a database to determine the channel to tune the radio to, then tunes the radio to a channel in response to the voice command (column 4, lines 45-57, the processor matches a speech segment to a voice command stored in memory, then instructs the tuner to tune into a channel associated with the voice command).

6. With respect to independent **claim 8**, Silver teaches a system for a vehicle, comprising:  
player means mountable onboard the vehicle for playing audio and/or audio-video content (figure 1, column 4, lines 13-28, each component of receiver (100) in vehicle can be separately installed within the vehicle);

means for receiving a voice command (figure 1, column 4, lines 34-37, microphone (110) continuously captures speech segments spoken by occupants of the vehicle);

means for tuning the player to a channel in response to the voice command (figure 1, column 4, lines 38-57, speech segments captured by the microphone (110) and transformed into an analog signal, which are converted to a digital signal by the converter (130), which are

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compared to voice commands in memory (150) by the processor (140), which instructs the tuner (160) to tune the player to an associated channel);

means for determining content to display on the player in response to the voice command (figure 3, column 6, lines 20-25, speech segments captured by the microphone (310) and transformed into an analog signal, which are converted to a digital signal by the converter (330), which are compared to voice commands in memory (350) by the processor (340), which instructs the tuner (360) to tune the player to an associated channel, which is reproduced by the output device (370), which can comprise one or more speakers and a monitor).

7. With respect to independent **claim 9**, Silver teaches a method for tuning a radio in a vehicle, comprising:

issuing a voice command (figure 2, column 5, lines 52-55, a speech segment spoken by a user is captured by microphone (204));

digitizing the voice command to render a digitized command (figure 2, column 5, lines 52-56, the speech segment is captured by microphone and transformed into an analog signal (204), then converted to a digital signal (206));

correlating the digitized command to a radio channel (figure 2, column 5, lines 56-65, the processor receives the digital signal and compares it to the voice commands stored in memory (208) to determine if the voice command has a channel associated with it (210));

automatically tuning the radio to the radio channel (figure 2, column 5, lines 60-67, and column 6, lines 1-10, the processor instructs the tuner to tune in to the channel that is associated with the voice command (212)).

8. With respect to **claims 11-13**, Silver teaches that the voice command may be a non-channel number voice command (column 5, lines 3-52, and column 6, lines 52-67, and column 7, lines 1-4, tables 1 and 2 and 3 contain examples of voice commands such as channel numbers, call letters, and genres).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silver et al. (US 6,876,970) in view of Leyden et al. (US 2004/0028195).

11. Regarding **claim 4**, Silver teaches the system of claim 1, which claim 4 is dependent upon, in its entirety (as outlined above) but is silent as to the source of information in memory (the relationships between channels and voice commands such as genres). However, Silver acknowledges that storing the information in memory (202) may be performed in accordance with known methods and technologies (column 4, lines 64-67).

Leyden teaches a processor that wirelessly accesses the Internet (figure 2, paragraph [0020], the network interface may have wireless capabilities) to obtain content (paragraph [0023] the system accesses radio broadcasts and audio files over the Internet) and channel information

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(figure 3, paragraphs [0025-0026], the database is populated with information regarding the various broadcasts available).

As Silver encourages the use of other known methods to store information in the memory, and as Leyden teaches a convenient means of obtaining and downloading the information wirelessly into the memory instead of the user doing so manually, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Silver's receiver with Leyden's download ability. In addition, Leyden's teaching is intended to increase the amount of programming available to users beyond the geographically limited traditional radio broadcast stations (paragraph [0005]) and this applies to the audio-video programming that Silver's receiver uses as well.

12. With respect to **claim 5**, Leyden teaches a processor that causes the player to play content from the Internet (paragraphs [0023-0025], in response to the user's input, the processor establishes a connection with an ISP, which finds the feed for the desired broadcast and feeds it back to the processor).

13. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Silver et al. (US 6,876,970) in view of Lyons (US 6,282,412).

14. As to **claim 10**, Silver teaches the method of claim 9, which claim 10 is dependent upon, in its entirety but is silent as to whether the vehicle's position affects the associations between the digital signal and a voice command.

Lyons teaches that stations whose service coverage at least partly overlaps a user's specified travel route may be selected, and the information transferred to the database of the system (figure 3, column3, lines 6-20). Lyons further teaches a GPS receiver attached to the processor to produce information corresponding to a current position of the receiver (figure 3, column 3, line 66-67 and column 4, line 1-10). The correlating step of claim 9 may then be undertaken using vehicle position information (column 4, lines 40-56, the processor compares current position data with the station service coverage data stored in memory, and the ones that coincide with the current position are identified as potential broadcast frequencies to which the receiver can be tuned).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Silver's receiver with the position determining unit of Lyons, and to modify the method of using Silver's receiver to take into consideration the location information provided by the position determining unit when determining the radio channel as also taught by Lyons, because Lyons's teaching is intended to aid persons find a station in an area where there may not have knowledge of the broadcast programming available (column 1, lines 57-34) and this applies to the audio-video programming that Silver's receiver uses as well.

### ***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mathurin (US 6,941,181) discloses a voice-controlled audio-video system that is capable of connecting to the Internet wirelessly to receive audio and video signals.



Odell et al. (US 2005/0043067) discloses a voice-controlled vehicle radio system capable of receiving digital audio and digital television.

Schrager (US 7,072,686) discloses a portable voice-controlled multimedia device that may be connected to a vehicle system, and also includes a GPS receiver.

Videtich et al. (US 6,950,638) discloses a voice-controlled radio system capable of receiving broadcasts from wireless communication systems, radio broadcast systems, and satellite broadcast systems.

Deyoe et al. (US 7,024,366) discloses a voice-controlled vehicle radio system.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gina W. Lee whose telephone number is (571) 270-3139. The examiner can normally be reached on Monday to Friday, 7:30 AM - 5:00 PM EST.

17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Eisen can be reached on (571) 272-7687. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

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like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GWL

A handwritten signature in black ink, appearing to read 'Alexander Eisen', with a long horizontal flourish extending to the right.

**ALEXANDER EISEN  
PRIMARY EXAMINER  
TECHNOLOGY CENTER 2600**